

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 10/044,355

REMARKS

Claims 1-20 are all the claims pending in the application. Claims 1, 4, 11, 15 and 20 are being amended. No new matter is introduced.

The Examiner has rejected claims 1-20 under 35 U.S.C. 103(a) as being allegedly unpatentable over Davies et al. (U.S. patent publication No. 2003/0088658) in view of Mercier et al. (U.S. patent publication No. 2003/0005119). Applicants respectfully traverse this rejection in view of the amendments to claims 1, 4, 11, 15 and 20 and further in view of the following arguments.

In more detail, Davies et al. discloses a system for detecting a new SAN host using a bus scan, (ii) capturing a world wide (WWN) for the new host, (iii) using the WWN to retrieve additional information describing the new host, (iii) presenting both the WWN and the additional information for new host to the administrator, wherein the presentation is distinguished from presentations of other hosts, and (iv) allowing the administrator to modify the presentation for the new host by adding to or replacing at least a portion of the presentation for the new host with further data that makes it easier for the administrator to identify the presentation for new host from corresponding presentations for other hosts, see Davies et al., Abstract. The system of Davies et al. is illustrated in Fig. 1 thereof.

Applicants call the Examiner's attention to the fact that Davies et al. discloses a storage discovery system, which discovers available storage resources. However, Davies et al. does not disclose a storage infrastructure on demand (SIoD) system, wherein storage resources are automatically allocated to storage users (hosts) based on a demands for storage allocation.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 10/044,355

Consequently, contrary to the Examiner's assertion, Davies et al. does not disclose a storage infrastructure on demand central system (central system) recited in the claims. Applicants call the Examiner's attention to Fig. 1 of Davies et al., which illustrates the system disclosed in that references. As the Examiner would appreciate, that figure does not show, nor does Davies et al. disclose, the claimed storage infrastructure on demand central system (central system) capable of allocating storage resources on demand. Applicants carefully examined all portions of Davies et al. cited by the Examiner, as well as the reminder of that reference, but could not find the alleged teaching of the claimed infrastructure on demand central system (central system). When the Examiner asserts that there is an explicit or implicit teaching or suggestion in the prior art, the Examiner must indicate where such teaching or suggestion appears in the reference. See *In re Rijckaert*, 28 U.S.P.Q.2d 1955,7 (Fed. Cir. 1993).

The second reference cited by the Examiner, Mercier et al., also fails to teach or suggest a storage infrastructure on demand central system. In more detail, Mercier et al. discloses a system for automated creation of application data paths in storage area networks. The system of Mercier et al. is illustrated in Figs. 2 and 4 thereof. Applicants respectfully point out to the Examiner that the aforesaid Figs. 2 and 4, as well as the remainder of Mercier et al., also lack the requisite teaching.

To emphasize the distinction of the pending claims from Davies et al., Applicants amend claims to recite a feature of the invention, wherein the storage infrastructure on demand central system (central system) receives demands for storage resources and allocates those resources in response to the received demands. Neither Davies et al. nor Mercier et al. teach or suggest such

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 10/044,355

a central system capable of receiving the storage resource demands and allocating storage resources in response thereto.

Therefore, amended independent claims 1, 4, 11, 15 and 20 are patentable over Baldwin et al. and Czeiger et al., and any combination thereof.

Applicants additionally submit that one of ordinary skill in the art would not be motivated to combine Davies et al. with Mercier et al. As stated above, Davies et al. does not teach or suggest allocating storage resources to the customer. If no storage resources are allocated, there is absolutely no need for the billing information taught by Mercier et al. to be incorporated into the system of Davies et al. Therefore, Davies et al. is not properly combinable with Mercier et al. Thus, claims 1, 4, 11, 15 and 20 are patentable over Baldwin et al. and Czeiger et al., and any combination thereof for this additional reason as well.

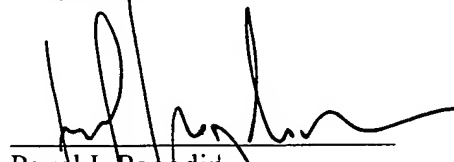
With respect to the rejection of dependent claims 2-3, 5-10, 12-14 and 16-19, while continuing to traverse the Examiner's characterization of the teachings of the references used by the Examiner in rejecting these claims, Applicant respectfully submits that these claims are patentable by definition, by virtue of their dependence upon the patentable independent claims 1, 4, 11 and 15.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 10/044,355

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Respectfully submitted,



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MOUNTAIN VIEW OFFICE

23493

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